

Symposium Agenda

***Montana v. United States:* Pathmarking the Field of Indian Law for Three Decades and Counting**

Hard Rock Hotel and Casino (Pueblo of Isleta)
11000 Broadway SE
Albuquerque, NM 87105

*This course has been approved by the New Mexico Continuing Legal Education Board for
8.7 hours of general credit and 1.5 hours of ethics credit.*

Early-Bird Registration (by March 4, 2011): \$250

Registration after March 4, 2011: \$275

Register online at <http://lawschool.unm.edu/indian/events/montana.php>

For more information contact Mitzi Vigil, 505-277-0405, vigil@law.unm.edu

On March 24, 1981, the United States Supreme Court issued its decision in *Montana v. United States*, a case that addressed several important issues concerning tribes' treaty rights, property interests, and sovereign governing authority on Indian reservations. Despite its modest beginnings as a dispute over who controls access to a highly prized trout fishery on the Big Horn River within the exterior boundaries of the Crow Reservation, *Montana* since has served as juggernaut for a number of unprecedented changes to core doctrines of federal Indian law, all of them detrimental to tribes. The University of New Mexico School of Law and the UNM Indian Law Program will convene a one-and-a-half-day symposium—beginning on Thursday, March 24, 2011, thirty years to the day since the case was decided—to engage law professors, jurists, practicing attorneys, tribal leaders, and Indian law students in a wide-ranging reflection on *Montana*, including how the litigation originated and unfolded, how the case has impacted Indian law doctrines, and what potential pathways lie ahead for tribes and states in view of *Montana*'s enormous continuing influence.

Day One: Thursday, March 24, 2011

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| 1:00-1:15 p.m. | Welcoming Remarks—Dean Kevin K. Washburn, University of New Mexico School of Law |
| 1:15-2:15 p.m. | <i>Montana</i> at Large: The Background Story and the Decision—Professor John P. LaVelle, University of New Mexico School of Law |
| 2:15-2:30 p.m. | Break |

- 2:30-4:00 p.m. **Panel 1**—The *Montana* Litigation: Reminiscences and Perspectives
- Professor Barbara Creel, University of New Mexico School of Law (moderator)
 - Michael Eakin, Attorney, Montana Legal Services
 - Urban L. Roth, Former Lead Counsel for the State of Montana (*invited*)
 - F. Woodside Wright, Former Co-Counsel for the State of Montana
- 4:00-4:15 p.m. Break
- 4:15-5:45 p.m. **Panel 2**—*Montana*'s Aftermath and Impact on the Crow Tribe: Reminiscences and Perspectives
- Heather Whiteman Runs Him, Co-Lead Counsel, Crow Tribe (moderator)
 - Urban J. Bear Don't Walk, In-House Counsel, Crow Tribe
 - Donald ("Del") Laverdure, Deputy Assistant Solicitor for Indian Affairs, United States Department of the Interior
 - Angela Russell, Tribal Court Judge & Co-Founder, Crows United
- 5:45-6:45 p.m. Reception: Meet and Greet *Indian Law Stories* Authors

Day Two: Friday, March 25, 2011

- 8:45-9:00 a.m. Welcoming Remarks—TBA
- 9:00-10:00 a.m. *Montana* as "Pathmarking" Case: Doctrinal Overview—Judge William C. Canby, United States Court of Appeals for the Ninth Circuit (retired)
- 10:00-10:15 a.m. Break
- 10:15-11:45 a.m. **Panel 3**—*Montana*'s Impact on Indian Treaty Rights and Property Interests
- Professor Sherri Thomas, University of New Mexico School of Law (moderator)
 - Professor Robert T. Anderson, University of Washington School of Law
 - Professor Judith V. Royster, University of Tulsa College of Law
 - Professor Rebecca Tsosie, Arizona State University Sandra Day O'Connor College of Law
- 11:45-12:00 Break
- 12:00-1:15 Lunch & Special Tribute to the Late Professor Philip Frickey
- 1:15-1:30 p.m. Break

- 1:30-3:00 p.m. **Panel 4**—*Montana*’s Impact on Tribal Jurisdiction over Nonmembers
- Professor Gloria Valencia-Weber, University of New Mexico School of Law (moderator)
 - Professor Sarah Krakoff, University of Colorado School of Law
 - Professor Frank Pommersheim, University of South Dakota School of Law
 - Professor Alex Tallchief Skibine, University of Utah School of Law
- 3:00-3:15 p.m. Break
- 3:15-4:45 p.m. **Panel 5**—Pathways Ahead? Coping and Cooperating under the *Montana* Regime
- Montana* has serious ethical implications for practitioners of federal Indian law. What are the opportunities for, and obstacles to, cooperation between tribes and states in the wake of *Montana*? How should an attorney advise his or her tribal client in order to comply with the Code of Professional Responsibility and to avoid malpractice? What are an attorney’s duties to clients, the judicial system, the public, and fellow lawyers in light of *Montana*?
- Helen Padilla, Director, American Indian Law Center, Inc. (moderator)
 - Professor Raymond Cross, University of Montana School of Law
 - Professor Matthew L.M. Fletcher, University of Michigan College of Law
 - Kaighn Smith, Jr., Attorney, Drummond Woodsum, Portland, Maine
- 4:45-5:00 p.m. Closing Remarks—TBA
- 5:00-6:00 p.m. Farewell Reception